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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA**

NAVIATICA INTERNATIONAL, INC.,)

Plaintiff,)

v.)

JANET NAPOLITANO, Secretary of)
Department of Homeland Security;)
MARILYN P. WILES, Director of USCIS,)
Nebraska Service Center,)

Defendants.)

Case No.: 2:10-cv-1999-PMP-RJJ

JOINT MOTION TO DISMISS COMPLAINT

WITHOUT PREJUDICE

The parties to this civil action, by their undersigned counsel, hereby stipulate and agree that the above-captioned action should be dismissed without prejudice. Plaintiff, Naviatica International, Inc. is a US based Corporation and filed an I-140 Immigrant petition as a multinational manager or executive for the president and CEO, Douglas Wardle. In order for one to be afforded a visa as a multinational manager or executive under 8 CFR §204, a beneficiary of that position must be employed in a managerial capacity or executive capacity as defined in Section 101(a)(44)(A) and (B) of the INA; 8 USC §1101(a)(44)(A) and (B) respectively. USCIS denied the petition on July 26, 2010. A joint stipulation was entered between the Plaintiff and Defendants to await the decision of the AAO. The AAO dismissed the appeal on November 3, 2011. The parties ask this court to dismiss the complaint

1 without prejudice filed on November 16, 2010, with the amended complaint and pleadings filed on February 23,
2 2011. The parties are to bear their own attorneys' fees and costs.

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4 Dated this 16th day of November, 2011

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7 Respectfully Submitted,

8 */s/ Constantinos G. Fountas*

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TONY WEST
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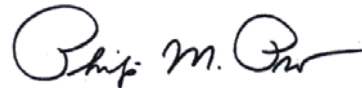
ELIZABETH J. STEVENS
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11 Attorneys for Defendants

12 IT IS SO ORDERED

13 

14 PHILIP M. PRO
15 U.S. DISTRICT JUDGE

16 Dated: _ November 17, 2011.